

**THE MINUTES OF THE HOUSE STANDING COMMITTEE
ON
JUDICIARY**

Wednesday, January 30, 2008

9:00 a.m.

Room 521 House Office Building

The House Standing Committee on Judiciary was called to order by **Representative Paul Condino**, Chair.

MEMBERS PRESENT: Representatives Condino, Coulouris, Bieda, Corriveau, Meadows, Meisner, Scott, Virgil Smith, Warren, Schuitmaker, David Law, Stakoe and Rick Jones.

MEMBERS ABSENT/EXCUSED: Representatives Elsenheimer and Rocca.

Representative Warren moved to adopt the minutes of the **January 23, 2008**, meeting. There being no objection, the motion prevailed by unanimous consent.

Representative Corriveau moved to excuse absent members from the committee. There being no objection, the motion prevailed by unanimous consent.

Chairman Condino laid **HB 4872** and **HB 4873** before the committee:

HB 4872	Meadows	Crimes; other; leaving children unattended in a vehicle; prohibit under certain circumstances and provide penalties.
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HB 4873	Amos	Criminal procedure; sentencing guidelines; sentencing guidelines for crime of leaving child unattended in a vehicle; enact.
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TESTIMONY

Representative Meadows, sponsor of HB 4872, explained his bill to the committee.

Representative Amos, sponsor of HB 4873, explained her bill to the committee.

Jeff Sauter, Eaton County Prosecuting Attorney, testified in support of the bills.

Sgt. Matt Bolger, representing the Michigan State Police, submitted a card in support of HB 4872 and did not wish to speak.

Jeff Spitzley, representing Safe Kids Michigan, submitted a card and written testimony in support of the bills and did not wish to speak.

Terrill Struttman, President, representing Harrison's Hope, submitted written testimony in support of the bills and did not wish to speak.

Michael J. Bouchard, Oakland County Sheriff, submitted written testimony in support of the bills and did not wish to speak.

Representative Meadows offered the following amendment to **HB 4872**:

1. Amend page 2, line 22, after "effect" by striking out "January" and inserting "July".

Representative Meadows moved to adopt the amendment.

The motion prevailed by a vote of **12-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Condino, Coulouris, Bieda, Corriveau, Meadows, Meisner, Scott, Warren, Schuitmaker, David Law, Stakoe and Rick Jones,
Nays: None,
Pass: None.

Representative Corriveau moved to report **HB 4872** with recommendation, as substitute (**H-1**):

The motion prevailed by a vote of **12-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Condino, Coulouris, Bieda, Corriveau, Meadows, Meisner, Scott, Warren, Schuitmaker, David Law, Stakoe and Rick Jones,
Nays: None,
Pass: None.

Representative Meadows offered the following amendment to **HB 4873**:

1. Amend page 4, line 5, after "effect" by striking out "January" and inserting "July".

Representative Schuitmaker moved to adopt the amendment.

The motion prevailed by a vote of **12-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Condino, Coulouris, Bieda, Corriveau, Meadows, Meisner, Scott, Warren, Schuitmaker, David Law, Stakoe and Rick Jones,
Nays: None,
Pass: None.

Representative Rick Jones moved to report **HB 4873** with recommendation, as substitute (**H-1**).

The motion prevailed by a vote of **12-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Condino, Coulouris, Bieda, Corriveau, Meadows, Meisner, Scott, Warren, Schuitmaker, David Law, Stakoe and Rick Jones,
Nays: None,
Pass: None.

Chairman Condino laid **HB 5041** before the committee:

HB 5041 Meadows Crimes; criminal sexual conduct; definition of criminal sexual conduct in the second degree; modify.

TESTIMONY

Representative Meadows, sponsor of HB 5041, explained his bill to the committee.

Douglas Gutscher, representing the Police Officers Association of Michigan, testified in support of the bill.

Claudia Crane testified in support of the bill.

Tonja Johnson testified in support of the bill.

David Avery testified in support of the bill.

Stephanie Wuttke, representing the Michigan Coalition Against Domestic and Sexual Violence, submitted a card indicating neutrality on the bill and did not wish to speak.

Representative Warren moved to adopt the substitute **(H-1)** to **HB 5041**.

The motion prevailed by a vote of **12-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Condino, Coulouris, Bieda, Corriveau, Meadows, Meisner, Virgil Smith, Warren, Schuitmaker, David Law, Stakoe and Rick Jones,
Nays: None,
Pass: None.

Representative Meadows offered the following amendment to **HB 5041 (H-1)**:

1. Amend page 4, line 5, after "jurisdiction" by striking out the balance of the subdivision and inserting:

"AND WHO ENGAGES IN SEXUAL CONTACT WITH THE VICTIM WHILE THE VICTIM IS IMPRISONED OR WHO USES HIS OR HER POSITION OF AUTHORITY OVER THE VICTIM TO GAIN ACCESS TO OR TO COERCE OR OTHERWISE ENCOURAGE THE VICTIM TO ENGAGE IN SEXUAL CONTACT DURING SUPERVISION BY THE ACTOR."

Representative Meadows moved to adopt the amendment.

The motion prevailed by a vote of **12-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Condino, Coulouris, Bieda, Corriveau, Meadows, Meisner, Virgil Smith, Warren, Schuitmaker, David Law, Stakoe and Rick Jones,

Nays: None,

Pass: None.

Representative Meadows offered the following amendment to **HB 5041 (H-1)**:

1. Amend page 4, following line 22, by inserting:

"Enacting section 1. This amendatory act takes effect July 1, 2008.".

Representative Meadows moved to adopt the amendment.

The motion prevailed by a vote of **12-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Condino, Coulouris, Bieda, Corriveau, Meadows, Meisner, Virgil Smith, Warren, Schuitmaker, David Law, Stakoe and Rick Jones,

Nays: None,

Pass: None.

Representative Virgil Smith moved to report **HB 5041** with recommendation, as substitute (**H-2**).

The motion prevailed by a vote of **12-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Condino, Coulouris, Bieda, Corriveau, Meadows, Meisner, Virgil Smith, Warren, Schuitmaker, David Law, Stakoe and Rick Jones,

Nays: None,

Pass: None.

There being no further business to come before the committee, the Chair adjourned the meeting at 10:09 a.m.

Representative Paul Condino, Chair
House Standing Committee on Judiciary
Malika Abdur-Rashid
Committee Clerk
517-373-7256
1 Hour 9 Minutes